

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WISCONSIN

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WISCONSIN ALUMNI RESEARCH  
FOUNDATION,

Plaintiff,

v.

APPLE, INC.,

Defendant.

ORDER

14-cv-062-wmc

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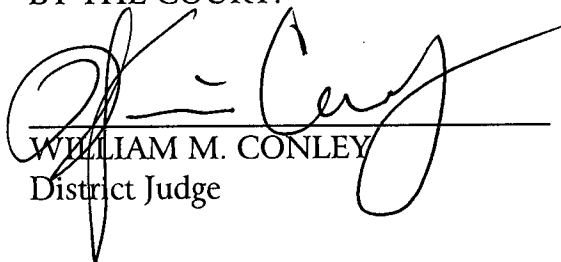
Before the court is plaintiff WARF's motion for rulings on disputed deposition designations for the second day of trial. (Dkt. #533.) The court issues the following rulings:

- Bannon's testimony re: "trying to design a way to turn it off is just the *obvious* next improvement to the design" (219-220): **sustained** for the same reason that the court previously sustained Apple's objections to testimony regarding whether a design change was "obvious." As a lay witness, Bannon cannot testify to a legal concept.
- Mylius's testimony containing "prejudicial attorney-witness colloquy" (136, 139, 140, 182-183): **sustained as too all**. The designated passages either involve unnecessary banter or, at times, cross the line into argumentative questions.

Accordingly, IT IS ORDERED that motion for rulings on disputed deposition designations for the second day of trial (dkt. #533) is GRANTED, and the objections are sustained as provided above.

Entered this 6th day of October, 2015.

BY THE COURT:



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WILLIAM M. CONLEY  
District Judge